

## CHAPTER 9. OVERLAY DISTRICTS

### PART 1. DOWNTOWN OVERLAY DISTRICT

#### 9.1.1. Purpose and Intent

- (1) General Purpose: The city hereby establishes a Downtown Overlay District, or Zone, for the general purpose of implementing the Tupelo 2010 Comprehensive Plan and the Market Assessment and Economic Enhancement Strategies (hereinafter referred to collectively as the "Master Plan").
- (2) Specific Purpose: The Downtown Overlay Zone is further established for the following specific purposes:
  - (a) Attract economic development and employment opportunities that are supportive of and compatible with the existing character of the area within the Downtown Overlay Zone and those private and public uses contemplated within the Master Plan;
  - (b) Enhance the visual image of the Downtown Overlay Zone which is associated with a major gateway to Tupelo, by (a) Ensuring the architectural compatibility of new and existing buildings and structures; (b) Reducing visual clutter related to signs, utilities transmission lines, unkept facades of buildings and structures, storage of materials and visibility of parked vehicles; (c) providing and maintaining landscaping and associated furnishings along streets, at buildings and structures and in vehicular parking areas; and, (d) Protecting visual vistas identified in the Master Plan;
  - (c) Protect and provide for specific sites for development and redevelopment as identified in the Master Plan;
  - (d) Prohibit land uses that have adverse impacts on the Downtown Overlay Zone and, through their incompatibility with proposed uses identified in the Master Plan, deter new development;
  - (e) Encourage the preservation of buildings and structures with significant historical or architectural character and prohibit the removal or major alteration of any building or structure without permit approval by the City;

- (f) Divide the Downtown Overlay Zone into subdistricts, as identified in the Master Plan, to implement the purposes cited herein; and,
- (g) Amend the specific uses of the existing base zoning within the Downtown Overlay Zone to comply with those permitted uses identified in the Master Plan.

#### 9.1.2. Subdistricts

- (1) Identification: The Downtown Overlay Zone includes the following Subdistricts:
  - (a) Judicial Subdistrict;
  - (b) City Center Retail Subdistrict;
  - (c) Financial Subdistrict;
  - (d) Coliseum Subdistrict;
  - (e) Downtown Gateway Subdistrict;
  - (f) Major Development subdistrict; and,
  - (g) Fairgrounds Redevelopment Subdistrict. The Fairgrounds Redevelopment Subdistrict is also added to Figure 9.1.2, Subdistrict map.
- (2) Location. Location of each Subdistrict is delineated in Figure 9.1.2, Subdistrict Map.

#### 9.1.3. Applicability

- (1) General Applicability: The provisions of the Downtown Overlay Zone shall apply to the development of all land therein whether publicly or privately held. No development shall be undertaken without prior authorization pursuant to the Downtown Overlay Zone.
- (2) Standards Conflict: In case on conflicts between the standards of the Downtown Overlay Zone and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements applicable, the provisions of the Downtown Overlay Zone shall prevail.
- (3) Relationship to Subdivision Regulations: The character of proposed development within the Downtown Overlay Zone may require that standards for lot size, shape and frontage be subject to modification from standards established in adopted subdivision regulations. An application for a final development plan for a site within the Downtown Overlay Zone shall be deemed to

be an application for preliminary subdivision approval, with no separate filing required.

#### **9.1.4. Use Regulations**

- (1) Primary Use: Within the Downtown Overlay Zone, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, except for one or more of the permitted or conditional uses in Table 9.1.4. Permitted Uses and Conditional Uses. There shall be two (2) types of conditional uses. A “minor conditional use”, indicated on the table by the symbol Cm, may be approved by the Director of the Planning and Development Department in accordance with the terms of Chapter 5, Part 4. A “major conditional use”, indicated by the symbol, CM, may be approved by the City Council after recommendation by the Planning Committee in accordance with the terms of Chapter 5, Part 4.
- (2) Accessory Use: Accessory uses pursuant to Chapter 13 are permitted in the Downtown Overlay Zone subject to compliance with the Height and Area Regulations and the Design Standards of the Chapter and other applicable requirements of the Development Code.

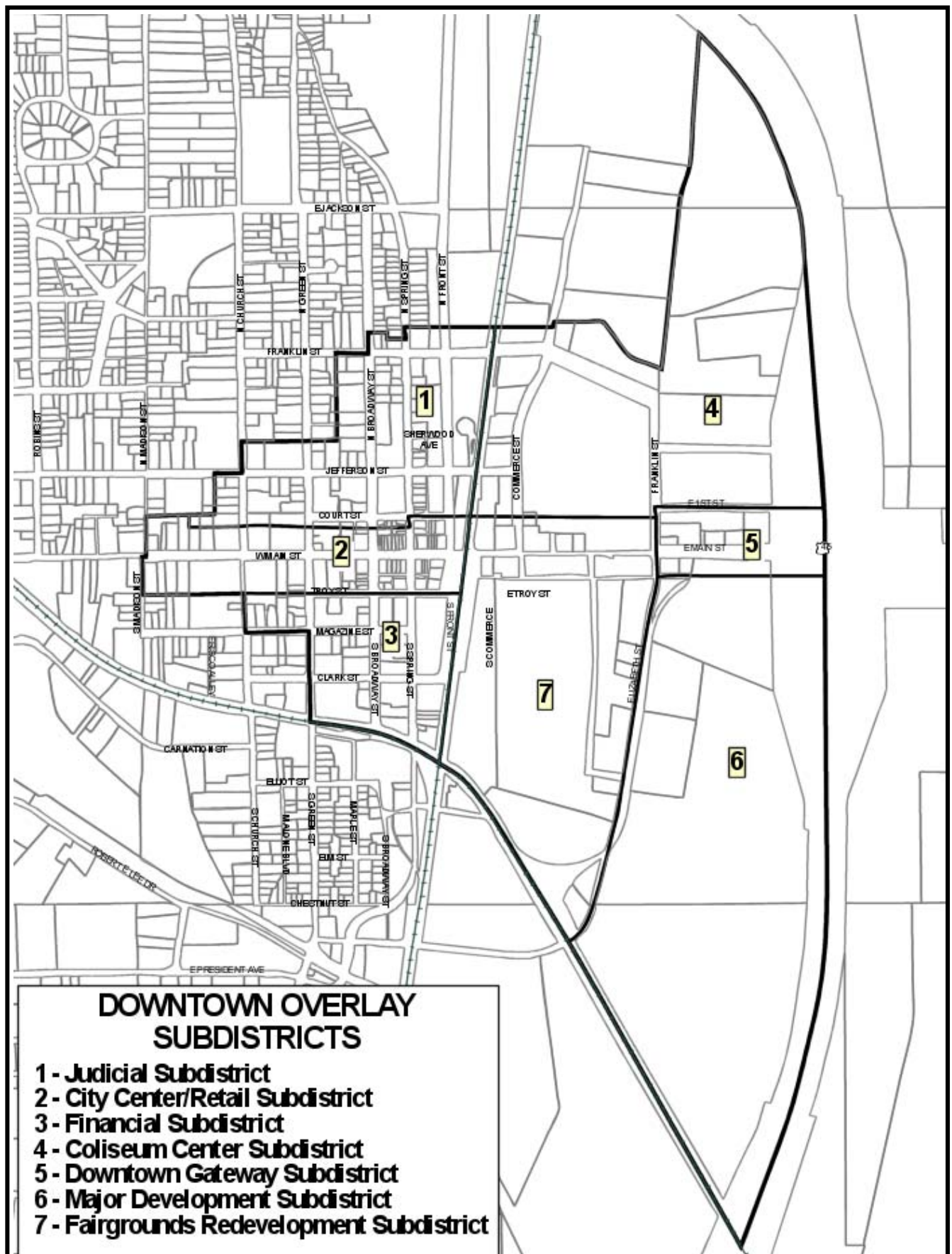


Figure 9.1.2. Downtown Overlay District

**TABLE 9.1.4 - TABLE OF PERMITTED AND CONDITIONAL USES IN DOWNTOWN OVERLAY DISTRICT**

USE		CLASSIFICATIONS				SUBDISTRICTS									
SIC Code	Description	Judicial		City Center Retail		Financial		Coliseum		Downtown Gateway		Major Development		Fairgrounds Redevelopment	
01	Agricultural Production-Crops											Cm		Cm	
1500	Contractors											Cm		Cm	
2000	Light Manufacturing		Cm		Cm		Cm		Cm		Cm		Cm		Cm
2431	Millwork				Cm		Cm		Cm						
2700	Printing & Publishing		Cm		Cm		Cm		Cm						Cm
2711	Newspaper Publishing				Cm		Cm		Cm						Cm
4226	Warehousing & Distribution						Cm						Cm		Cm
4311	US Postal Service	P		P		P		P		P		P			Cm
4789	Transportation Services	P		P		P		P		P		P			Cm
4832	Radio Broadcasting	P		P		P		P		P			Cm		Cm
4833	Television Broadcasting	P		P		P		P		P			Cm		Cm
5000	Trade Markets & Shows							P			Cm				Cm
5112	Office Supplies/Equipment	P		P		P		P		P		P			Cm
5211	Lumber & Building Materials						Cm		Cm				Cm		Cm
5251	General hardware			P			Cm		Cm		Cm		Cm		Cm
5231	Paint/glass/wallpaper			P			Cm		Cm		Cm		Cm		Cm
5311	Department Stores			P											Cm
5331	Variety Stores			P			Cm		Cm				Cm		Cm
5411	Grocery Stores		Cm	P			Cm		Cm		Cm		Cm		Cm
5421	Meat & Seafood Markets		Cm	P			Cm		Cm		Cm		Cm		Cm
5431	Fruit & Vegetable Markets		Cm	P			Cm		Cm		Cm				Cm
5451	Dairy Products Stores		Cm	P			Cm		Cm		Cm				Cm
5461	Retail Bakeries		Cm	P			Cm		Cm	P					Cm
5499	Food Stores i.e. Coffee/Tea Products	P		P		P		P		P				P	
5531	Auto Supply			P			Cm		Cm						Cm
5541	Gas Service Station*									P			Cm		

\* Within the Downtown Gateway, gas service stations and drive-thru pickup windows for restaurants are not permitted along East Main Street between the railroad and Franklin Street.

\*\* Within the Fairgrounds Redevelopment Subdistrict, the inclusion of a drive-thru pick-up window in a development proposal shall require major conditional use approval for the entire development proposal. Approval shall be granted only when it is determined that the location of the drive-thru will not be detrimental to the pedestrian character of the district.

USE		CLASSIFICATIONS						SUBDISTRICTS							
SIC Code	Description	Judicial		City Center Retail		Financial		Coliseum		Downtown Gateway		Major Development		Fairgrounds Redevelopment	
5551	Boat Dealers							P		P			Cm		Cm
5571	Motorcycle Dealers				Cm		Cm	P		P			Cm		Cm
5611	Men's/Boy's specialty clothing & accessory			P		P		P		P		P		P	
5621	Women's specialty clothing store			P		P		P		P		P		P	
5631	Women's accessory & specialty stores			P		P		P		P		P		P	
5641	Children's & Infant's			P		P		P		P		P		P	
5651	Family Apparel			P		P		P		P		P		P	
5661	Specialty Shoe Stores			P		P		P		P		P		P	
5699	Miscellaneous apparel & accessory stores			P		P		P		P		P		P	
5712	Furniture stores			P			Cm		Cm		Cm		Cm		Cm
5713	Floor covering stores			P			Cm		Cm		Cm		Cm		Cm
5719	Miscellaneous apparel & accessory stores			P			Cm		Cm		Cm		Cm		Cm
5722	Home appliance stores			P			Cm		Cm		Cm		Cm		Cm
5731	Radio/TV/Electronics			P			Cm		Cm		Cm		Cm		Cm
5734	Computer & computer software stores			P		P		P		P		P		P	
5735	Recorded Music Stores			P		P		P		P		P		P	
5736	Musical Instruments			P		P		P		P		P		P	
5812	Eating places*	P		P		P		P		P		P		P	
5813	Drinking places		Cm	P			Cm		Cm	P			Cm		Cm
5912	Drug stores	P		P		P		P		P		P		P	
5921	Wine/Liquor stores		Cm	P			Cm			P			Cm		Cm

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USE		CLASSIFICATIONS						SUBDISTRICTS							
SIC Code	Description	Judicial		City Center Retail		Financial		Coliseum		Downtown Gateway		Major Development		Fairgrounds Redevelopment	
5932	Vintage merchandise stores	P		P		P		P		P		P		P	
5941	Sporting good stores			P		P		P		P		P		P	
5942	Book stores	P		P		P		P		P		P		P	
5943	Stationary Shops	P		P		P		P		P		P		P	
5944	Jewelry Stores			P		P		P		P		P		P	
5945	Hobby, toy, craft & game shops			P		P		P		P		P		P	
5947	Gift, novelty & souvenir shops			P		P		P		P		P		P	
5948	Luggage/leather goods			P		P		P		P		P		P	
5949	Sewing, needlework & piece goods stores			P		P		P		P		P		P	
5956	Camera shops			P		P		P		P		P		P	
5961	Catalog Mail Order			P		P		P		P		P		P	
5992	Florists	P		P		P		P		P		P		P	
5993	Tobacco Shops	P		P		P		P		P		P		P	
5994	Newsstand	P		P		P		P		P		P		P	
5995	Optical goods stores			P		P		P		P		P		P	
5999	Miscellaneous retail stores		Cm	P			Cm		Cm		Cm		Cm		Cm
6025	Bank**		Cm	P		P			Cm		Cm		Cm		Cm
6100	Non-Depository Institutions		Cm		Cm	P		P					Cm		Cm
6200	Security & Commodity Broker	P		P		P		P				P		P	
6300	Insurance Companies	P		P		P		P				P		P	
6500	Real Estate	P		P		P		P				P		P	
6600	Combined Real Estate, Insurance	P		P		P		P				P		P	
7011	Hotels, Motels, Bed & Breakfast		Cm		Cm		Cm		Cm		Cm		Cm		Cm

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\*\* Within the Fairgrounds Redevelopment Subdistrict, the inclusion of a drive-thru pick-up window in a development proposal shall require major conditional use approval for the entire development proposal. Approval shall be granted only when it is determined that the location of the drive-thru will not be detrimental to the pedestrian character of the district.

USE		CLASSIFICATIONS				SUBDISTRICTS									
SIC Code	Description	Judicial		City Center Retail		Financial		Coliseum		Downtown Gateway		Major Development		Fairgrounds Redevelopment	
7012	Guest Homes		Cm		Cm		Cm		Cm		Cm		Cm		Cm
7200	Personal Services	P		P		P		P		P		P		P	
7211	Laundries & Dry Cleaning**	P		P			Cm		Cm		Cm		Cm		Cm
7216	Dry Cleaners		Cm	P			Cm		Cm		Cm		Cm		
7231	Beauty Shop	P		P		P		P		P		P		P	
7241	Barber Shop					P		P		P		P		P	
7251	Shoe Repair/Shine					P		P		P		P		P	
7300	Business Services	P		P		P		P				P		P	
7334	Photocopying	P		P		P		P				P		P	
7523	Parking Lots on Separate Lots	P		P		P		P		P		P		P	
7525	Parking Garages		Cm		Cm		Cm		Cm		Cm		Cm		Cm
7542	Commercial Car Washes										Cm		Cm		
7549	Automotive Services except repair				Cm	P			Cm		Cm		Cm		Cm
7832	Motion Picture Theater	P		P		P		P		P			Cm		Cm
7841	Video Rental**			P		P		P		P		P		P	
7900	Amusement, Recreation, Parks		Cm		Cm		Cm		Cm		Cm		Cm		Cm
7911	Dance Schools/ Studios		Cm		Cm		Cm	P					Cm		Cm
7991	Physical Fitness Facilities		Cm		Cm		Cm	P			Cm		Cm		Cm
8059	Nursing & Personal Care Facilities												Cm		Cm
8071	Medical Laboratory	P		P		P		P		P		P	Cm		Cm
8072	Dental Laboratory	P		P		P		P		P		P	Cm		Cm
8081	Out-Patient care facilities								Cm				Cm		Cm
8100	Legal Services	P		P		P		P				P		P	
8200	Educational Services	P		P		P		P				P		P	

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\*\* Within the Fairgrounds Redevelopment Subdistrict, the inclusion of a drive-thru pick-up window in a development proposal shall require major conditional use approval for the entire development proposal. Approval shall be granted only when it is determined that the location of the drive-thru will not be detrimental to the pedestrian character of the district.

USE		CLASSIFICATIONS						SUBDISTRICTS							
SIC Code	Description	Judicial		City Center Retail		Financial		Coliseum		Downtown Gateway		Major Development		Fairgrounds Redevelopment	
8231	Library	P		P		P		P		P		P			Cm
8249	Vocational School		Cm		Cm		Cm		Cm				Cm		Cm
8300	Social Services	P				P		P					Cm		Cm
8600	Civic, Social, & Fraternal	P		P		P			Cm		Cm		Cm		Cm
8661	Churches	P			Cm	P							Cm		Cm
8700	Engineering & Mgmt. Services	P		P		P		P				P		P	
8999	Professional Office	P		P		P		P				P		P	
9100	Governmental Services	P		P		P		P					Cm		Cm
9200	Justice, Public Order & Safety	P		P		P		P				P		P	
9400	Administration of Human Services	P				P		P					Cm		Cm
	Flex Space Facility***		Cm		Cm		Cm	P			Cm	P		P	

\*\*\* Permitted uses within flex space facilities may include any permitted or conditional use listed in Table 9.1.4. Any other use listed in Table 8.1.3. may be considered and approved as a minor conditional use within a flex space facility.

**TABLE 9.1.4 - TABLE OF PERMITTED AND CONDITIONAL USES IN DOWNTOWN OVERLAY DISTRICT**

USE																CLASSIFICATIONS																SUBDISTRICTS															
SIC Code		Description				Judicial		City Center Retail		Financial		Coliseum		Downtown Gateway		Major Development		Fairgrounds Redevelopment																													
RESIDENTIAL																																															
NA		Dwelling Units over Commercial				P						P				P				P						P				P																	
NA		Single-Family Detached						Cm								Cm												Cm				Cm															
NA		Townhouse						Cm								Cm				Cm								Cm		Cm																	
NA		Multi-Family						Cm				Cm				Cm				Cm								Cm				Cm															
NA		Garage Apartment						Cm				Cm																Cm				Cm															

**TABLE 9.1.5 A**  
**HEIGHT AND AREA REGULATIONS FOR NON-RESIDENTIAL USES**

**DOWNTOWN OVERLAY ZONE**

SUBDISTRICT	Min. Parcel Area (SF)	Min. Parcel Dimensions		Min. Yard Dimensions			Min. Landscape Buffer		Max. Bldg. Height (FT) <sup>1</sup>	Max. Bldg. Coverage (%) <sup>2</sup>
		Width (FT)	Depth (FT)	Front/ Street (FT)	Side (FT)	Rear (FT)	Side (FT)	Rear (FT)		
Judicial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
City Center Retail Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
Financial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	45	None
Coliseum Center Subdistrict	None	None	None	0/10 <sup>4</sup>	None	20	None	None	75	None
Downtown Gateway Subdistrict	15,000	75	100	10/40 <sup>5</sup>	None	20	None	None	55	None
Major development Subdistrict	43,560	200	100	25	None	20	10	5	55	None
Fairgrounds Redevelopment	None	None	None	0	None	0	None	None	None	None

1 Measured from the average finish grade elevation at the building line to the top of the fascia or coping of the primary building roof or parapet wall; mechanical penthouses are not included in this dimension, but should be enclosed or screened in a manner that blends with the exterior material and color of the primary structure.

2 Percentage of the total Parcel Area coverage by the cumulative "footprint" floor areas of all primary and accessory buildings located on a parcel.

3 New construction will be set back to equal the existing building line of adjoining properties. If there are no buildings within 50 feet of the side property line of the property to be developed, the required front setback is zero.

4 New construction along Main Street will have a setback of zero feet. In other parts of the subdistrict, the front setback shall be ten feet, except where buildings within 50 feet of the side property line of the property to be developed are built to a different setback. In this case, the required front setback is determined by averaging the setback of the adjoining buildings as provided in Section 10.1.3 (4).

5 Front setback is 10 feet between the railroad tracks and Franklin Street, and 40 feet between Franklin and Martin Luther King, Jr. Drive.

**TABLE 9.1.5 B**  
**HEIGHT AND AREA REGULATIONS FOR RESIDENTIAL USES**  
**DOWNTOWN OVERLAY ZONE**

Subdistrict	Residential Type	Min. Parcel Area <sup>1</sup> (SF)	Max. Density U/AC	Min. Parcel Width (FT)	Landscape Buffer at Perimeter (FT)	Minimum Yard Requirements <sup>2</sup>				Max Bldg Ht. (FT)	Max. Bldg Cvr <sup>3</sup> (%)
						Front (FT)	Rear (FT)	Side (FT)	Street (FT)		
Judicial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	50	
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
City Center Retail Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Financial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	30	100	10	25	25	10	25	45	50
Coliseum Center Subdistrict	Townhouse	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
Downtown Gateway Subdistrict	Residential NOT Permitted										
Major Development Subdistrict	Single Family Detached	4,000		40	10	25	25	10	15	35	50
	Single Family Attached	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
Fairgrounds Redevelopment Subdistrict	Single Family Detached	3000	-	30	5	10-20 <sup>4</sup>	20 <sup>6</sup>	5 <sup>5</sup>	15	35	70
	Single Family Attached	2000	-	19	5	0-10 <sup>4</sup>	20 <sup>6</sup>	5 <sup>5</sup>	15	35	50
	Multi-Family	none	25	none	5	0-10 <sup>4</sup>	20 <sup>6</sup>	10	15	50	60

1 Minimum parcel area denotes minimum for any development under single ownership as defined for zoning purposes.

2 Minimum yard dimensions for single-family attached and multi-family apply to groups of units that involve one structure. Minimum distance between structures is 20 feet. Zero lot lines at side yards may be permitted when each unit of a town house or single-floor apartment complex is sold to separate individual owners.

3 Percentage of total Parcel Area covered by the cumulative "footprint" floor areas of all primary and accessory buildings located on the parcel.

4 Front yard ranges are to the minimum permitted but the required range. Commercial buildings must adhere to a "built-to line" consistent with the front property line. Exceptions will be made for façade setbacks to accommodate outside dining or similar use so long as the street wall is reflected through some architectural treatment.

5 In order to accommodate driveways the average of a lot's two side yards shall be five feet, but the side yard featuring a driveway may be as shallow as three feet.

6 Garages or accessory structures may extend to within five (5) feet of rear alley in the Fairgrounds subdistrict.

### 9.1.5. Height and Area Regulations

- (1) Conforming Use: Within the Downtown Overlay Zone, the minimum parcel area, minimum parcel dimension (width and depth), minimum yard dimensions (front, side and rear), maximum building height and maximum building coverage applicable to building and structures hereafter erected, constructed or moved shall conform to Table 9.1.5 A Height and Area Regulations for Non-Residential uses within the Downtown Overlay Zone, and Table 9.1.5 B Height and Area Regulations for Residential uses within the Downtown Overlay Zone.
- (2) Nonconforming Use – Improvement: Nonconforming uses and/or nonconforming buildings and structures shall not be enlarged, extended, or reconstructed subject to the following provisions for replacement due to damage. Such buildings and structures may be renovated provided they comply with Design Standards for the Downtown Overlay Zone.
- (3) Nonconforming Use - Replacement Due to Damage: If a nonconforming use and/or building or structure, taken collectively as a business entity, is damaged or destroyed by fire, explosion, act of nature or other casualty to the extent of less than fifty percent (50%) of its appraised value by the County Tax Assessor, exclusive of foundations, it may be restored to its original size provided that all new work conforms with the Height and Area Regulations for the Downtown Overlay District, or Zone. Such restoration must be completed within twelve (12) months of date damaged.
- (3) Nonconforming Use - Replacement Due to Damage: If a nonconforming use and/or building, taken collectively as a business entity, is damaged or destroyed by fire, explosion, act of nature or other casualty to the extent of less than fifty percent (50%) of its appraised value by the County Tax Assessor, exclusive of foundations, it may be restored to its original size provided that the new work conforms with the DESIGN STANDARDS contained in Sections 9.1.7., 9.1.8., and 9.1.10 below. Such restoration must be completed within twelve (12) months of the date damaged.

### 9.1.7. Landscaping and Buffering

- (1) Purpose: Landscaping and buffering design standards are established for the following purposes:
  - (a) Assist in providing adequate light and air;
  - (b) Prevent erosion and siltation and aid in the absorption of air pollutants through conservation of trees and other vegetation;
  - (c) Provide visual buffering and enhance the beautification of the Downtown Overlay Zone;
  - (d) Safeguard and enhance property values and protect public and private investment;
  - (e) Provide habitat for living things that might not otherwise be found in the urban environs; and,
  - (f) Protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbance to vegetation.
- (2) Applicability: Landscaping and buffering requirements shall apply to the following:
  - (a) All new Permitted Uses and Conditional Uses within the Downtown Overlay Zone;
  - (b) All expansion of existing uses; and,
  - (c) All accessory uses and structures including:
    - (i) outdoor storage areas;
    - (ii) outdoor service and loading areas;
    - (iii) refuse collection areas;
    - (iv) exterior mechanical and utility equipment;
    - (v) exterior maintenance equipment; and,
    - (vi) exterior communication apparatus.
- (3) Landscape Setback/Buffer Area Requirements: A landscape setback/buffer area is required along the common property line associated with the side and rear yard areas of new Permitted Uses and Conditional Uses pursuant to Table 9.1.4 and the chart below.

### 9.1.6. Design Standards

- (1) Conforming Use: Within the Downtown Overlay Zone, no building or structure shall be hereafter erected, constructed or moved unless such use conforms with the Design Standards contained in sections, 9.1.7, 9.1.8, 9.1.9 below.
- (2) Nonconforming Use – Improvement: Nonconforming uses and/or buildings or structures may be renovated provided they comply with Design Standards contained in Sections 9.1.7, 9.1.8, and 9.1.10 below.

**TABLE 9.1.7- LANDSCAPE SETBACK/BUFFER AREA REQUIREMENTS**

Landscape Setback	Trees Per Linear Foot	Shrubs Per Linear Foot	Ground Cover <sup>(3)</sup>	Structural Screen Wall	Additional Requirement
10 feet	1 per 30 LF	1 per 5/10 LF <sup>(1)</sup>	60%:40%	6 ft. ht.	Parking Lot Landscaping
5 feet	1 per 30 LF	1 per 3/5 LF <sup>(2)</sup>	60%:40%	6 ft. ht.	

<sup>(1)</sup> 5 foot centers for dwarf shrubs and 10 feet for large shrubs.

<sup>(2)</sup> 3 foot centers for dwarf shrubs and 5 foot centers for large shrubs.

<sup>(3)</sup> Ground cover is expressed as a ratio of living to non-living material.

- (4) Landscape Setback/Buffer Area Design and Materials:
  - (a) Minimum quantity of trees and shrubs within the side and rear yard landscape setback/buffer area shall be as follows:
    - (i) The ten (10) foot landscape setback shall require one (1) tree and six (6) dwarf/three (3) large shrubs per thirty (30) feet along the length of the buffer; and,
    - (ii) The five (5) foot landscape setback shall require one (1) tree and ten (10) dwarf/six (6) large shrubs per thirty (30) feet along the length of the buffer.
  - (b) The required trees and shrubs may be clustered or grouped in a natural arrangement within the buffer area.
  - (c) Ground cover shall have a minimum of sixty percent (60%) living grass or other ground cover type plant material; the remaining forty percent (40%) may be non-living, consisting of bark, wood chips, decorative rock or stone, or other similar material.
  - (d) Depending on the size and spacing of the selected palette of trees, trees may be located outside of, but adjacent to the buffer area.
  - (e) All trees shall be minimum diameter of two (2) inches caliper and six (6) feet in height. All shrubs shall be minimum of one and one half (1½) feet in height when planted, with a minimum mature height of five (5) feet.
  - (f) The required landscape setback/buffer area is a minimum width. Additional area adjacent to the required buffer area may be utilized for the location/siting of required trees and/or to achieve specific design intent.
- (5) Parking Lot Screening and Landscaping Requirement: Parking lot screening and landscaping shall be provided in accordance with Section 13.2.3. For parking lots located adjacent to the public right of way, a minimum three (3) feet high masonry wall, fence, or an evergreen hedge shall be installed in the planting strip in lieu of the shrubs and plants required in Section 13.2.3.
- (6) Pre-Existing Uses:
  - (a) Existing principal uses or structures in the Downtown Overlay Zone with an accessory use or structure listed in subsection 9.1.7. (2)(c), above shall, in the interest of furthering the purposes of the Downtown Overlay Zone, be required to comply with the screening requirement set forth in Section 9.1.7. above within two (2) years after the effective date of the ordinance; however, if the existing accessory use or structure is so situated that compliance with the screening requirement would necessitate removal or substantial alterations to the accessory use or structure, the required screening shall be reduced by the minimum amount necessary to accommodate the accessory use or structure without removal or substantial alteration.
  - (b) The owners/tenants of existing principal uses or structures as defined above shall submit a Screening Plan to the Director of Planning and Development for review and processing of the Screening Plan if submitted within two (2) years after the effective date of this Ordinance.
  - (c) In cases where compliance with the screening requirement would present an unreasonable hardship on the property owner or present practical difficulties, the property owner may apply to the Planning Committee for a variance.

### **9.1.8. Parking, Loading and Access**

- (1) General Requirements: Parking, loading and access shall be governed by Chapter 11 of this Ordinance.
- (2) Supplemental Parking Requirements:
  - (a) All new Permitted Uses and Conditional Uses shall have all parking located in the rear yard, or in the side yard, and beyond the nearest front face of the building or structure, whichever is the furthest.
  - (b) All expansion of existing use or change in use shall have all additional required parking located in the rear yard, or in the side yard, and beyond the nearest front face of the building or structure, whichever is furthest. In the event this parking requirement places a hardship on the expansion or change in use, a variance may be requested of the Zoning Board of Adjustment.
  - (c) Parking lots in the Fairgrounds Redevelopment Subdistrict shall not exceed the minimum spaces required in 11.1.2.
  - (d) For single-family residences with front entry garages in the Fairgrounds Redevelopment Subdistrict, garages shall be set back a minimum of four (4) feet from the front façade of the house.
  - (e) In the Fairgrounds Redevelopment Subdistrict, if a lot is served by an alley or service lane, all garages and off street parking shall be accessed from the alley or service lane.

### **9.1.9. Conservation of Architectural and Historical Character and Compatibility Between Existing and New Development**

- (1) Purpose: Standards for conservation of architectural and historical character and compatibility between existing and new development are established for the following purposes:
  - (a) Conserve and protect the architectural and historical value of existing buildings, structures and other historically significant areas;
  - (b) Regulate exterior design, arrangement, texture and materials proposed for use within the Downtown Overlay Zone to ensure compatibility;
  - (c) Create an aesthetic appearance which complements the

- architecturally and historically significant buildings and structures;
- (d) Provide maintenance standards by which properties, buildings, and structures shall be kept in a safe and attractive manner;
- (e) Stabilize and improve values;
- (f) Foster civic beauty;
- (g) Strengthen the local economy; and,
- (h) Promote the use of architecturally and historically significant areas for the education, pleasure and welfare of the present and future residents of Tupelo.
- (2) Applicability:
  - (a) Construction: Within the Center City Retail Subdistrict the Judicial Subdistrict, the Financial Subdistrict, the Coliseum Center Subdistrict, the Downtown Gateway Subdistrict, the Major Development Subdistrict, and the Fairgrounds Redevelopment Subdistrict of the Downtown Overlay Zone, the Director of Planning and Development shall not issue any building permit for construction, alteration, repair, demolition or relocation of a buildings or structure without first submitting the application of such permit, together with all plans, elevations, and other information as may be required to determine the appropriateness of the design, per section (4)(a) of this section, to the Design Review Committee of the Tupelo Main Street Program for comment. Review by the Committee shall be based on the Standards for Rehabilitation as issued by the U.S. Secretary of the Interior.
  - (b) Zoning: Within the City Center Retail, Judicial, Financial, Coliseum, Downtown Gateway and Major Development and Fairgrounds Subdistricts of the Downtown Overlay Zone, all new Permitted Uses and Conditional Uses and all expansions and changes in use shall comply with the standards for conservation of architectural and historical character and compatibility between existing and new development.
  - (c) Permit Requirements: When plans are submitted for review, an elevation of appropriate scale and detail shall be submitted as part of the review process.
- (3) Conservation Standards Requirements.
  - (a) Where structurally and economically feasible, architecturally and historically significant, buildings and structures that are listed in the HISTORICAL SURVEY, prepared by the Mississippi Department of Archives and History, shall be maintained in a style similar to or compatible with their original design, including height, style, composition of

windows, doors and canopies, material and color.

- (b) In the event an existing building or structure has undergone substantial change from its original style, the buildings or structure may remain in its current style until such a time as it undergoes exterior renovation, expansion, or change in use, whereupon it shall comply with subsection (3)(a) above.
- (4) Compatibility Standards Requirements.
  - (a) All new Permitted Uses and Conditional Uses shall consist of construction materials, colors and heights that are similar and compatible with those of existing buildings in the Downtown Overlay Zone that are designated as architecturally and historically significant.
  - (b) While minimum building setback requirements are established for all new Permitted Uses and Conditional Uses, it is the intent of this Ordinance to encourage all new buildings to locate with their fronts as close to the street as practical/permitted. This is encouraged in order to simulate the street proximity of buildings that are designated as architecturally and historically significant within the Downtown Overlay Zone. Where new buildings are located at a greater depth than the minimum building setback requirement, the intervening open area shall be landscaped with sixty percent (60%) of the area in living plant material consisting of trees and shrubs that are at least the same size as other required landscaping. The open area shall further include site design features that encourage and enhance the following:
    - (i) pedestrian activity;
    - (ii) visual interest; and,
    - (iii) environmental attractiveness.
  - (c) Within the Downtown Overlay Zone, balconies may extend above the right of way if structurally supported from the building.
- (5) Maintenance Standards Requirements: All uses within the Downtown Overlay Zone shall provide the following routine and regularly scheduled maintenance standards:
  - (a) All exterior surfaces and finishes shall be maintained so that chipping, cracking, damage, and deterioration

are repaired on an annual or more frequent basis.

- (b) Temporary construction panels and supports, temporary signs and temporary site screens shall be removed immediately at the end of the temporary period.
- (c) Items that involve mechanical and electronic guided motion in their use or display shall be kept in good working order.
- (d) Landscaping, ground cover, erosion control and drainage items shall be maintained and kept clean at all times.
- (e) All outdoor areas shall be kept free from litter and unauthorized storage.

#### **9.1.10. Signs**

- (1) Purpose:
  - (a) Sign standards are established for the following purposes:
  - (b) Construct signs in a manner that allows pedestrians and motorists to identify, interpret and respond in an efficient manner to information concerning public traffic and information other than public traffic when displayed in a clear, concise and non-competing with public traffic information manner;
  - (c) Organize signs in a manner that reduces visual clutter and integrates signs with all other elements of the site and environs; and,
  - (d) Based on the community's need to know, provide for signs that identify the marketplace and the opportunities provided by the community.
- (2) Applicability: The provisions for all signs on private property in the Downtown Overlay Zone shall conform to the sign regulations contained in Chapter 12, Part 2 of the Development Code, with the exceptions contained in sub-section (3) below.
- (3) Sign Requirements:
  - (e) The following signs are prohibited from the Downtown Overlay Zone:
    - (i) Portable signs;
    - (ii) All billboards and off-premise advertising signs.
  - (f) Signs may be illuminated or non-illuminated. When illuminated, the method shall be one of the following:
    - (i) From an internal light or energizing source; or,
    - (ii) From an external fixed-beam light fixture that is concealed by the ground, landscaping or sign standard.
  - (g) The City may erect banners, whether temporary or permanent, for special events and designated architecturally and historically significant areas and gateways.

- (a) Ground signs shall not exceed fifty (50) square feet in size or ten (10) feet in height.
- (e) Because some buildings in the Fairgrounds Redevelopment Subdistrict are required to be built to the front property line, projecting, ground, and pole signs may be permitted to be built in the public right of way within this subdistrict, if the planning official determines that the sign does not endanger the public and no part of the sign is within two feet of the face of the curb or less than seven (7) feet six (6) inches about the sidewalk, and with the concurrence of the Public Works director and the Design Review Committee of the Tupelo Downtown Main Street Association.

#### **9.1.11. Conditional Use**

- (1) Applicability: Conditional Uses, as listed in Table 9.1.4 have been determined to have a unique, special or potentially adverse impact upon the use or enjoyment of neighboring properties. Pursuant to Chapter 5, Part 4, as modified herein, Conditional Uses shall require Conditional Use approval by the City Planning Committee and Site Plan review by the Planning and Development Department to assure that the proposed use and site plan meet the standards established herein and the goals and objectives of the Downtown Master Development Plan.
- (2) Consideration of Factors: Based on the application for Conditional Use approval and the Site Plan for the proposed Conditional Use, the following factors shall be considered by the Planning Committee in determining approval, modification or disapproval:
  - (a) Whether the proposed Conditional Use is in harmony with the general purpose, goals, objectives and standards of the adopted Tupelo 2010 Comprehensive Plan and the Market Assessment and Economic Enhancement Strategies;
  - (b) Whether the proposed Conditional Use is determined to existing adjacent uses or to uses permitted generally in the Downtown Overlay Zone and Subdistrict in which the proposed Conditional Use is to be located;

- (c) Whether the proposed Conditional Use will generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the Downtown Overlay Zone and subdistrict;
  - (d) Whether the proposed Conditional Use meets the Height, Area, and Design Standards for the Downtown Overlay Zone and subdistrict; and,
  - (e) Whether the Site Plan for the proposed Conditional Use illustrates a project design which will be compatible with existing and future permitted uses in the Downtown Overlay Zone and subdistrict.
- (3) Imposition of Conditions: Based on the consideration of the factors listed above, the applicant or the Planning Committee may recommend the attachment of specific conditions to the application for Conditional Use approval and/or to the Site Plan to ameliorate the adverse impact of the Subdistrict or on adjacent uses. Such conditions may include, but are not necessarily limited to the following:
- (a) A time limit on the effective period of the Conditional Use;
  - (b) Mitigation of adverse impacts by additional on-site buffer, landscaping, setback or open space requirements;
  - (c) Mitigation of adverse impacts by restrictions on density, floor area ratio, height or percentage of lot coverage;
  - (d) Mitigation of adverse impacts by the provision of off-site public facilities or improvements;
  - (e) Limitations on hours of operation of the Conditional Use;
  - (f) Limitations on noise, odor, vibration, glare or dust emanating from the Conditional Use;
  - (g) Limitations of the materials stored or used on the site;
  - (h) Limitations on the height of buildings, structures and signs;
  - (i) Limitations of the architectural style, construction materials of buildings, structures and signs; and,
  - (j) Requirements for a larger minimum lot area.

#### **9.1.12. Site Plan Approval**

Site Plan review and approval requirements contained in Chapter 5, Part 7 and Chapter 14, Part 2 shall apply to the Downtown Overlay Zone.

## **PART 2. PLANNED UNIT DEVELOPMENTS**

### **9.2.1. Purpose and Intent**

- (1) The purpose and intent of these planned unit development regulations is to promote innovative design in development by providing flexibility in regard to permitted uses and bulk regulations. These regulations are designed to promote the development of attractive, desirable communities of place, where residents and visitors can work and live in a development pattern that integrates residential and non-residential uses in a design that is accessible to pedestrians and encourages the use of alternative modes of transportation and shared parking and offers greater convenience to the residents of the City.
- (2) It is in the intent and policy of the City to encourage planned unit developments because of the extensive planning that is required prior to development. Planned unit developments allow the City to plan for large areas and to manage the impacts of growth on the provision of City services and infrastructure.

### **9.2.2. Districts in Which Allowed**

Planned unit developments shall function as "overlay" districts in all districts, provided that an application for planned unit development and master land use plan is submitted, reviewed and approved in accordance with Chapter 5, Part 5 of this Ordinance

### **9.2.3. Allowable Uses**

- (1) All parcels proposed for development as a planned unit development must be used for the creation of residential dwelling units and/or any related accessory buildings.
- (2) All uses that are set out in an approved master land use plan shall thereafter be treated as permitted uses within the planned unit development.

### **9.2.4. Minimum Area of Development**

There will be no minimum size requirement for planned unit developments.

### **9.2.5. Density of Development**

There will be no maximum density restrictions for planned unit developments. Approval of planned unit developments shall be left to the discretion of the Planning Committee.

### **9.29.2.6. Residential Density Bonuses**

#### **9.29.2.7. Development Standards and Improvement Requirements**

- (1) Unless approved as a deviation by the City Council as a part of the approval of a planned unit development, all development within a planned unit development shall conform to the applicable standards and requirements of this Ordinance for underlying zoning district and any applicable overlay district in which the planned unit development is located.
- (2) The City Council may, as a part of the approval of a planned unit development, approve the following deviations to development standards, provided that the City Council determines that other proposed improvements and buffers will perform as well as or better than those required by minimum standards set out in this Ordinance:
  - (a) Lot dimensions;
  - (b) Setbacks;
  - (c) Design standards and required improvements for subdivisions;
  - (d) Parking;
  - (e) Interior landscaping;
  - (f) Buffering.

#### **9.29.2.8. Additional Standards for Planned Unit**

for Planned Unit Developments Containing both Residential and Non-Residential Uses

#### **9.29.2.9 Recreational and Open Space Requirements**

- (1) Planned unit developments located within the City of Tupelo are not required to provide any percentage of the parcel(s) for passive or active recreational purposes. Any open space provided as part of the development shall be conveyed to a homeowners' or property owners' association or shall be subject to an agreement between the applicant and the City for maintenance and operation of the required open space, with appropriate restrictions recorded in the deed to the property which restrict the perpetuity the use of such land and facilities to open space and recreational uses, as shown on the master land use plan. Upon approval by the City Council as part of its approval of the master land use plan, any or all of the required open space reserved under Subsection (a) above may be dedicated to the City for recreational or open space

purposes, provided that such open space meets the applicable requirements set forth in Chapter 14, Part 1 and provided that the applicant complies with Chapter 14 of this Ordinance. Where land is dedicated to the City for recreational or open space purposes pursuant to Chapter 14, Part 1, such land may be included as part of the open space requirement in Subsection (1) above.

- (2) Any required open space which is not dedicated to the City shall be conveyed to a homeowners' or property owners' association or shall be subject to an agreement between the applicant and the City for maintenance and operation of the required open space, with appropriate restrictions recorded in the deed to the property which restrict in perpetuity the use of such land and facilities to open space and recreational uses, as shown on the master land use plan.

#### **9.2.10. Landscape Buffers**

All landscape buffer areas installed in the planned unit development, pursuant to the requirements of Chapter 13, Part 2 of this Ordinance, if a site plan is required, shall either be conveyed to a homeowners' or property owners' association or remain in the ownership of the developer of the planned unit development, subject to an agreement between the applicant and the City. Such landscape buffer areas shall not be platted into individual building lots or as part of an individual building lot, unless part of a planned unit development with lots which equal or exceed 8,000 square feet.

#### **9.2.11. Phasing of Development**

- (1) All open space and recreational amenities shall be dedicated and completed before certificates of occupancy may be issued for more than fifty percent (50%) of the dwelling units in the planned unit development or, if the approved master land use plan divides the planned unit development into phases, in that phase of the planned unit development of which the amenity is a part.

## **PART 3. BARNES CROSSING OVERLAY DISTRICT**

### **9.3.1. Purpose and Intent**

- (1) Findings. The provisions of this Part are based on the following findings:
  - (a) The Barnes Crossing area includes a regional mall and two shopping centers. It is experiencing rapid commercial growth. The bulk of all commercial development in Northeast Mississippi is occurring at this location.
  - (b) Commensurate with the value of land in the area, the quality of development thus far has, for the most part, been high quality.
  - (c) The city has, by necessity, invested large sums of money to provide adequate infrastructure including streets, water, and sewer.
  - (d) Developers and business owners have likewise invested large sums of money.
  - (e) The functional and economic obsolescence of two previous malls in Tupelo left very negative impacts on the city and the areas in which they were located. This obsolescence was caused in part by insufficient development standards, a mistake which should not be repeated in the Barnes Crossing area.
- (2) Purpose and Intent. It is the purpose and intent of the Barnes Crossing Overlay District to:
  - (a) Provide a higher level of standards to guide further development in the Barnes Crossing area.
  - (b) To promote, preserve and protect the health, safety and general welfare of property owners within the Barnes Crossing area and those who will shop in the area as well as all citizens and taxpayers of the City of Tupelo.
  - (c) To protect and promote the visual quality of the area.
  - (d) To manage the flow of traffic to and from businesses so as to minimize traffic hazards and congestion.
  - (e) To prevent development which would be out of character with the predominant development which is now occurring in the area and which would adversely affect property values or hurt the potential for continued and prolonged growth and prosperity of the area.

### **9.3.2. Location and Applicability**

- (1) General Applicability. The provisions of this Part, the Barnes Crossing Overlay District, shall apply to all land, whether publicly or privately held, located north of U.S. Highway 78 and currently zoned C-2, General Commercial as shown in figure 9.3.2. All development within the Barnes Crossing Overlay District shall be in accordance with the terms of this Part.
- (2) Standards Conflict. The provisions contained in this Part are in addition to, and supplemental to, all other provisions contained in the Development Code. In case of conflicts between the standards of the Barnes Crossing Overlay District and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements, the provisions of the Barnes Crossing Overlay District shall prevail.

### **9.3.3. Permitted Uses**

The following uses may be established as permitted uses in the Barnes Crossing Overlay District, in accordance with the procedures established in Chapter 5, Part 2 of this ordinance:

- (1) Amusement Establishments
- (2) Animal Hospitals
- (3) Automobile Service Stations, excluding auto air shops.
- (4) Bed and Breakfast
- (5) Boats and Motorcycles Sales, Service and Rental
- (6) Building Materials & Supply Without Outside Storage
- (7) Car Washes, other than self-service
- (8) Catalog Sales, Showroom and Display
- (9) Clinics
- (10) Clubs and Lodges
- (11) Convenience Stores
- (12) Convention Centers
- (13) Day Care Centers
- (14) Day Care Homes, Large
- (15) Day Care Homes, Small
- (16) Drug Stores
- (17) Financial Establishments
- (18) Flea Markets, Indoor
- (19) Golf Driving Ranges
- (20) Home Occupations
- (21) Hospitals
- (22) Hotels and Motels
- (23) Laboratories, Medical and Dental

- (24) Libraries
- (25) Museums
- (26) Offices, Medical
- (27) Offices, Other than Medical
- (28) New Car & Truck Dealerships, including used car & truck sales only when accessory to a new car or truck dealership
- (29) Parking Garages
- (30) Parking Lots on Separate Lots
- (31) Parks
- (32) Personal Service Establishments
- (33) Plant Nursery and Greenhouses
- (34) Post Offices
- (35) Printing Businesses up to 50,000 sq. ft. in size
- (36) Prostheses and Medical Supply
- (37) Public Safety Stations
- (38) Radio and TV Broadcasting Studios
- (39) Recreation Centers
- (40) Rehabilitation Centers
- (41) Restaurants
- (42) Retail Stores
- (43) Satellite Dish antennas
- (44) Schools
- (45) Shooting Ranges, Indoor
- (46) Signs
- (47) Swimming Pools
- (48) Utility Sub-stations
- (49) Vehicle Rentals

#### **9.3.4. Minor Conditional Uses**

The following uses may be established as Minor Conditional uses in the Barnes Crossing Overlay District, subject to approval by the Director of the Department of Planning and Development in accordance with the procedures established in Chapter 5, Part 4 of this Ordinance:

- (1) Armories
- (2) Care Takers' Residences
- (3) Churches
- (4) Home Businesses
- (5) Laboratories, Research
- (6) Trade Schools
- (7) Transportation Facilities

#### **9.3.5. Major Conditional Uses**

The following uses may be established as Major Conditional uses in the Barnes Crossing Overlay District, subject to approval by the city in accordance with the procedures established in Chapter 5, Part 4 of this Ordinance:

- (1) Building Materials and Supply with outside storage
- (2) Crematories
- (3) Dog Kennels
- (4) Funeral Homes

- (5) Home Sales, including Manufactured Homes
- (6) Life Care Communities
- (7) Recycling Drop-off Stations
- (8) Self-service Car and Truck Washes
- (9) Trade Market and Shows
- (10) Used Car & Truck Sales

#### **9.3.6. Open Display and Storage Restricted**

- (1) Outdoor display areas, defined as areas for sale of products normally used or kept outdoors, and accessible to retail customers in vehicles or as pedestrians, are permitted in the rear and side yards. In addition, outdoor display areas may be permitted in front yards provided that:
  - (a) The display area has all weather surface such as asphalt, concrete, or grassy or pervious pavers;
  - (b) Eight per cent (8%) of the display area is landscaped;
  - (c) One (1) shade tree is provided per each thirty five hundred (3,500) square feet in the display area;
  - (d) No products are displayed closer than twenty (20) feet to any public right of way;
  - (e) No fences greater than twenty four (24) inches in height are constructed within the required front yard area; and
  - (f) No elevated display.
- (2) Outdoor Storage: Outdoor storage areas, defined as areas where products, materials, or equipment are kept but are not accessible except to employees or delivery vehicles, are permitted in the rear or side yards if fully screened by a fence constructed of brick, cedar, cypress, or an approved equivalent opaque material.
- (3) Other Outdoor Sales Permitted. In addition to the restrictions on outdoor display in section 9.3.6, there may be two (2) outdoor sales per lot per year not to exceed 30 days each, with a minimum of 30 days in between. Such outdoor sales shall be at least 40 feet from any public right-of-way.

#### **9.3.7. Building Code Standards**

All buildings and structures, whether intended to be temporary or permanent, shall be of a permanent nature conforming to all requirements of the construction codes adopted by the city. The use of trucks, trailers, manufactured homes, portable buildings, tents, awnings, sheds and the like for storage and/or sales is prohibited, except that tents and portable buildings may be used for 2 outdoor sales per year as

specified in section 9.3.6. above and provided said tents and portable buildings conform to the requirements of the city's construction codes and are compatible with building in the area. Nothing in this section is to prohibit the storage of products in truck trailers up to 30 days while waiting to be unloaded into the store, provided said trailers are parked in the rear of the building where possible, otherwise, to the side of the building.

#### **9.3.8. Building Design Standards**

- (1) Plans Submittal. Building design plans submitted for review and approval as specified below shall be sealed by an architect registered in the State of Mississippi.
- (2) Review and Approval. The Planning Committee shall evaluate the design of all structures and renovations requiring Major Site Plan Review and the Planning Director shall evaluate the design of all structures and exterior renovations requiring Minor Site Plan Review in terms of the degree to which they meet the intent of this Part as specified in Section 9.3.1 and the degree to which they contribute to the preservation and enhancement of the character, integrity and attractiveness of the Barnes Crossing area. Said evaluation shall also take into account the degree to which the proposal would maintain a sense of human scale and architectural transition and would be appropriate to the site, taking into account the safety, convenience and amenity of the surrounding areas.
- (3) Specific Standards. The Planning Committee and Planning Director shall review all site and building design plans based on the standards in Chapter 13 and on the following standards:
  - (a) New structures, additions and renovations shall be designed to be compatible with existing structures in terms of architectural design exterior building materials, colors and arrangement of buildings and other features.
  - (b) Seventy five percent (75%) to one hundred percent (100%) of all non-glass wall surfaces shall be clad with brick, stone, cementuous stucco, integrally colored unit masonry, split face block or similar designer block allowing architectural detail features not exceeding twenty five percent (25%) of the wall surface to be constructed of other materials. Building materials with a

cost equal or greater than the materials listed above may be substituted provided the cost is documented.

- (c) Exterior improvements, such as fences, utilities, outdoor furniture, and displays shall be compatible with the mass and scale of such improvements elsewhere in the adjacent area.
  - (d) All buildings shall have no more than sixty (60) continuous feet of wall plane with the same setback fronting along a street. The setback of the wall planes from the street must vary by at least two feet.
  - (e) The main entrances to all buildings shall face the street which fronts the lot, however, corner lots may choose either street as the one which fronts the entrance.
- (4) Modifications to standards. Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Part are not feasible on a particular property, the Planning Committee or Planning Department, whichever is responsible for approving the plan, may modify the requirements of this Part in reviewing and approving a site plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes of this Part.

#### **9.3.9. Site Plan and Building Design Review**

- (1) Major Site Plan and Building Design Review. For all new buildings to be constructed and for all additions to existing buildings, the size of which is 25% or greater of the size of the existing building, and for all renovations, the cost of which is 25% or greater of the value of the building prior to renovation, Site Plan and Building Design Review, in accordance with the Major Site Plan Review requirements of Chapter 5, Part 7 and Chapter 14, Part 2, and Building Design Standards contained in Section 9.3.5 above shall apply and the approval shall be secured prior to any building permit being issued.
- (2) Minor Site Plan and Building Design Review. Minor Site Plan review and approval, as specified in Section 5.7.7, is required for all other additions and exterior renovations not requiring Major Site Plan approval as specified above. Building Design Review and Approval is also required for additions and renovations requiring Minor Site Plan Review and Approval. Building Design

Review and Approval shall be rendered in conjunction with, and under the same provisions as, Minor Site Plan Review and Approval.

- (3) Curb and Gutter Required. For all new buildings to be constructed and for all additions to existing buildings, the size of which is 25% or greater of the size of the existing building, for all renovations, the cost of which is 25% or greater of the value of the building prior to renovation and for any change in use from residential to commercial, all parking and drives shall be bordered by standard curb and gutter as required in the Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications" for subdivision.

#### **9.3.10. Sign Standards**

- (1) Ground Signs. Ground signs as specified in Section 12.2.4(a) are permitted provided they are affixed to the ground in a permanent manner and provided there is a minimum of 50 sq. ft. of landscaping around the base of the sign. Ground signs exclusively serving sites of less than 3 acres shall not exceed 75 sq. ft. in size nor exceed the height of adjacent building or 25 feet, whichever is less. Setback of all ground signs in the Barnes Crossing Overlay District shall be a minimum of 10 feet from the property lines.
- (2) Attached Signs. The total surface area of an attached sign shall not exceed, in square feet, one times the linear feet that is the horizontal length of the wall to which the sign is attached. The surface area shall be measured as specified in Section 12.2.4(b)(1). An additional one square feet of surface shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front yard requirements as specified by this Ordinance. Notwithstanding these provisions, a

maximum of 2 sq. ft. for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area as specified above shall be distributed among each business therein according to the linear feet frontage occupied by each business. Internally lit box signs are discouraged unless approved in accordance with section (4) below.

- (3) Billboards. Billboards are allowed provided they are located within 250 feet of the edge of the pavement of Martin Luther King, Jr. Drive (US Highway 45). All other provisions of Chapter 12, Part 2 relating to billboards apply.
- (4) Building Design Standards and Review as specified in Section 9.3.5 and 9.3.6 shall also apply to signs.

#### **9.3.11. Parking Lot/Access Driveways**

- (1) Number of Driveways. The number of driveways connecting to Barnes Crossing Road and Gloster Street shall be kept to a minimum. Not more than one driveway shall be allowed per site, for each street on which the site has frontage. A 1-way pair shall be considered one driveway. On Barnes Crossing Road and Gloster Street, driveways shall be shared to the extent possible. Specifically, two adjoining businesses shall share a common drive.
- (2) Distance From Intersection. Driveways shall be a minimum of 50 feet from any street intersection.
- (3) Separation of Driveways. On sites with greater than 200 feet of frontage, a second driveway may be allowed. On sites with greater than 500 feet of frontage, a third driveway may be allowed. On sites with greater than 800 feet of frontage, a fourth driveway may be allowed. All such driveways shall be a minimum of 200 feet apart.

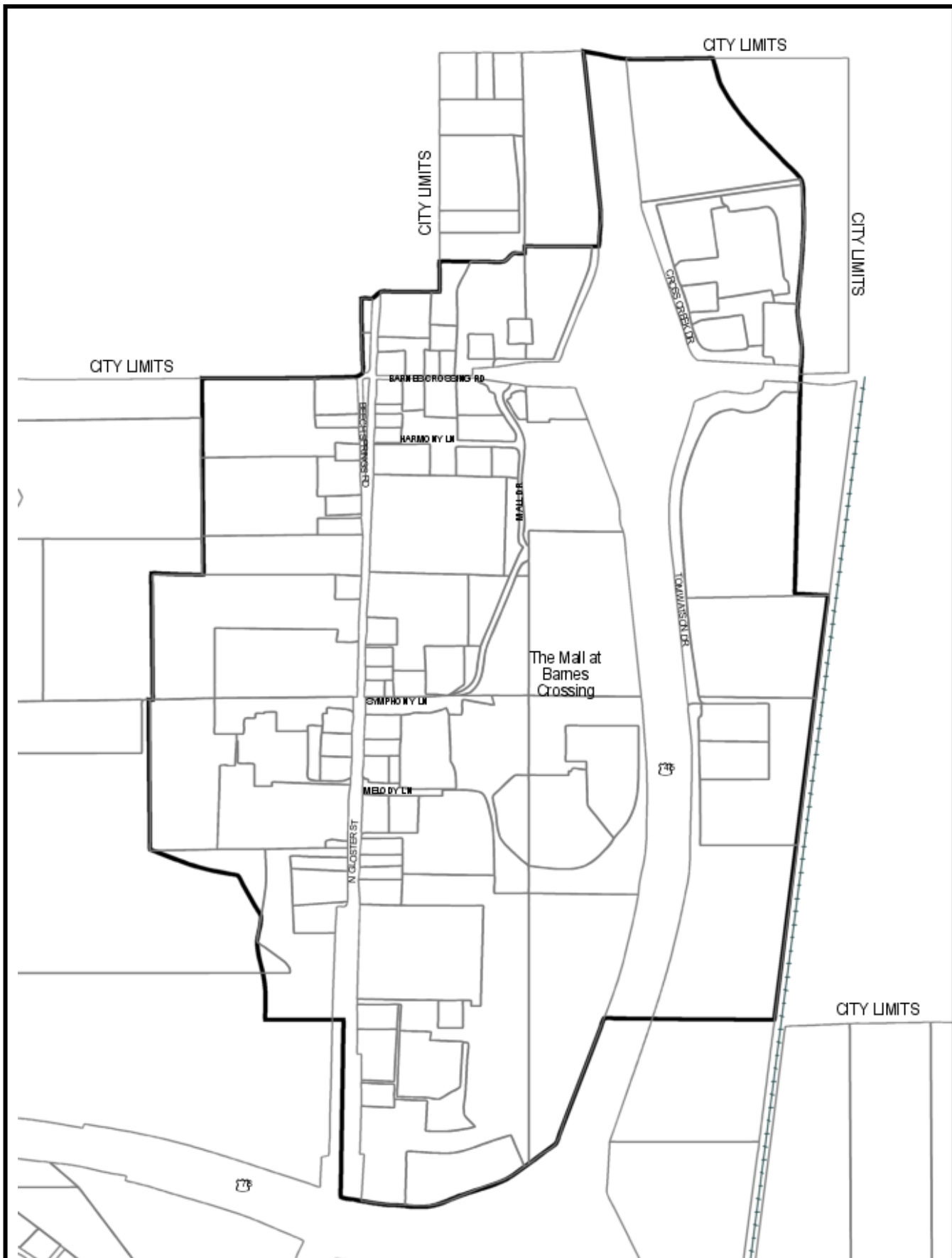


Figure 9.3.2. Barnes Crossing Overlay District

## **PART 4. CLIFF GOOKIN OVERLAY DISTRICT**

### **9.4.1. Purpose and Intent**

- (1) Findings: The provisions of this Part are based on the following findings:
  - (a) The Cliff Gookin Overlay District is adjacent to the new Tupelo High School, a multi-million dollar state-of-the art educational facility. Its campus style setting provides an excellent learning environment. Also, adjacent is a seven hundred (700) acre planned unit development, Spring Lake, which is expected to develop into Mississippi's residential, mixed used development, as well as the largest.
  - (b) The bulk of the land along Cliff Gookin Blvd. east of the high school and Spring Lake is undeveloped and considered prime commercial property.
  - (c) The city has, by necessity, invested large sums of money to provide adequate infrastructure including streets, water, and sewer.
  - (d) Developers and business owners are likewise expected to invest large sums of money developing their property.
  - (e) Strip commercial development, has negatively impacted other areas of the city, and would, if allowed, conflict with the above described development and adversely affect property values.
- (2) Purpose and Intent: It is the purpose and intent of the Cliff Gookin Overlay District to:
  - (a) Provide a higher level of standards to guide further development in the Cliff Gookin area.
  - (b) To promote, preserve and protect the health, safety and general welfare of property owners within the Cliff Gookin area and those who will shop in the area as well as all citizens and taxpayers of the City of Tupelo.
  - (c) To protect and promote the visual quality of the area.
  - (d) To manage the flow of traffic to and from businesses so as to minimize traffic hazards and congestion.
  - (e) To prevent development which would be out of character with the predominant development which is now occurring in the area and which would adversely affect property values or hurt the potential for continued and prolonged growth and prosperity of the area.

### **9.4.2. Location and Applicability.**

- (1) General Applicability: The provisions of this Part, the Cliff Gookin Overlay District, shall apply to all commercially zoned land, whether publicly or privately held, located along Cliff Gookin Blvd. extending south and east from West Main Street to a point eight hundred (800) feet east of Lawndale Drive as shown in figures 9.4.2(a) and 9.4.2(b). All development within the Cliff Gookin Overlay district shall be in accordance with the terms of the Part.
- (2) Standards Conflict: The provisions contained in this Part are in addition to, and supplemental to all other provisions contained in the Development Code. In case of conflicts between the standards of the Cliff Gookin Overlay District and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements, the provisions of the Cliff Gookin Overlay District shall prevail.

### **9.4.3. Permitted Uses.**

The following uses may be established as "permitted uses" in the Cliff Gookin Overlay District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- (1) Amusement Establishments
- (2) Animal Hospitals
- (3) Automobile Service Station, excluding auto and truck repair shops
- (4) Bed & Breakfast
- (5) Boats and Motorcycle Sales and Service and Rental
- (6) Building Material and Supply Without Outside Storage
- (7) Carwashes, other than self-service
- (8) Catalog Sales, Showroom and Display
- (9) Clubs and Lodges (Civic and Fraternal)
- (10) Clinics
- (11) Convenience Stores
- (12) Convention Centers
- (13) Day Care Centers
- (14) Day Care Homes, Large
- (15) Day Care Homes, Small
- (16) Drug Stores
- (17) Financial Establishments
- (18) Flea Market, Indoor
- (19) Flex Space Developments
- (20) Golf Driving Range
- (21) Home Occupations

- (22) Hospitals
- (23) Hotels and Motels
- (24) Laboratories, Medical and Dental
- (25) Libraries
- (26) Museums
- (27) New Car and Truck Dealerships, including used car and truck sales only when accessory to a new car or truck dealership
- (28) Offices, Medical
- (29) Offices, Other than Medical
- (30) Parking Garages
- (31) Parking Lots on Separate Lots
- (32) Parks
- (33) Personal Service Establishments
- (34) Plant Nursery and Greenhouse
- (35) Post Offices
- (36) Printing Business up to 50,000 sq. ft. in size
- (37) Prosthesis and Medical Supplies
- (38) Public Safety Stations
- (39) Radio and TV Broadcasting Studios
- (40) Recreation Centers
- (41) Rehabilitation Centers
- (42) Restaurants
- (43) Retail Stores
- (44) Satellite Dish Antennas
- (45) Schools
- (46) Shooting Range, Indoor
- (47) Signs
- (48) Swimming Pools
- (49) Utility Substations
- (50) Vehicle Rental

#### **9.4.4. Minor Conditional Uses**

The following uses may be established as "minor conditional uses" in the Cliff Gookin Overlay District, subject to approval by the Director of the Department of Planning and Development in accordance with the procedures established in Chapter 5, Part 4 of this Ordinance:

- (1) Armories
- (2) Caretakers' Residences
- (3) Churches
- (4) Crematories
- (5) Detention Centers
- (6) Funeral Homes
- (7) Home Businesses
- (8) Laboratories, Research
- (9) Life Care Communities
- (10) Trade Schools
- (11) Transportation Facilities

#### **9.4.5. Major Conditional Uses**

The following uses may be established as "major conditional uses" in the Cliff Gookin Overlay District, subject to approval by the City in accordance with the procedures

established in Chapter 5, Part 4 of this Ordinance:

- (1) Building Materials and Supply, with outside storage
- (2) Car and Truck Wash, Self-service
- (3) Contractor's Shops
- (4) Dog Kennels
- (5) Home Sales, including Manufactured Homes
- (6) Manufactured Buildings Used for Non-Residential Purposes
- (7) Mini Warehouse Storage Units
- (8) Multi-family Residential complying with R-3 Development Standards
- (9) Nursing Homes
- (10) Recycling Drop-Off Stations
- (11) Trade Markets and Shows
- (12) Used Car and Truck Sales

#### **9.4.6 Outdoor Display and Storage**

- (1) Outdoor Display: Outdoor display areas, defined as areas for sale of products normally used or kept outdoors, and accessible to retail customers in vehicles or as pedestrians, are permitted in the rear and side yards. In addition, outdoor display area may be permitted in front yards provided that:
  - (a) the display area has all weather surface such as asphalt, concrete, or grassy or pervious pavers;
  - (b) eight percent (8%) of the display area is landscaped;
  - (c) one (1) shade tree is provided per each thirty-five hundred (3,500) square feet in the display area; and,
  - (d) no products are displayed closer than twenty (20) feet to any public right of way.
- (2) Outdoor Storage: Outdoor storage areas, defined as areas where products, materials, or equipment are kept but are not accessible except to employees or delivery vehicles, are permitted in the rear or side yards if fully screened by a fence constructed of cedar, cypress, or an approved equivalent opaque material.

#### **9.4.7. Building Code Standards**

All buildings and structures, whether intended to be temporary or permanent, shall be of a permanent nature conforming to all requirements of the construction codes adopted by the city. The use of trucks, trailers, manufactured homes, portable buildings, tents, awnings, sheds and the like for storage and/or sales is prohibited, except that tents and portable buildings may be used for two (2) outdoor sales per year as

specified in section 9.3.6. above and provided said tents and portable buildings conform to the requirements of the city's construction codes and are compatible with building in the area. Nothing in this section is to prohibit the storage of products in truck trailers up to thirty (30) days while waiting to be unloaded into the store, provided said trailers are parked in the rear of the building where possible, otherwise, to the side of the building.

#### **9.4.8. Building Design Standards**

- (1) Plans Submittal: Building design plans submitted for review and approval as specified below shall be sealed by an architect registered in the state of Mississippi.
- (2) Review and Approval: The Planning Committee shall evaluate the design of all structures and renovations requiring Major Site Plan Review and the Planning Director shall evaluate the design of all structures and exterior renovations requiring Minor Site Plan Review in terms of the degree to which they meet the intent of this Part as specified in Section 9.4.1 and the degree to which they contribute to the preservation and enhancement of the character, integrity and attractiveness of the Cliff Gookin area. Said evaluation shall also take into account the degree to which the proposal would maintain a sense of human scale and architectural transition and would be appropriate to the site, taking into account the safety, convenience and amenity of the surrounding areas.
- (3) Specific Standards: The Planning Committee and Planning Director shall review all site and building design plans based on the Standards in Chapter 13 and on the following standards:
  - (a) New structures, additions and renovations shall be designed to be compatible with existing structures in terms of architectural design exterior building materials, colors and arrangement of buildings and other features.
  - (b) Seventy five percent (75%) to one hundred percent (100%) of all non-glass wall surfaces shall be clad with brick, stone, cementuous stucco, integrally colored unit masonry, split face block or similar designer block, allowing architectural detail features not to exceed twenty-five percent (25%) of the wall surface to be constructed of other

materials. Building materials with a cost equal to or greater than the materials listed above may be substituted provided the cost is documented.

- (c) Exterior improvements, such as fences, utilities, outdoor furniture, and displays shall be compatible with the mass and scale of such improvements elsewhere in the adjacent area.
  - (d) All buildings shall have no more than sixty (60) continuous feet of wall plane with the same setback fronting along a street. The setback of the wall planes from the street must vary by at least two (2) feet.
  - (e) The main entrances to all buildings shall face the street which fronts the lot, however, corner lots may choose either street as the one which fronts the entrance.
- (4) Modifications to standards: Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Part are not feasible on a particular property, the Planning Committee or Planning Department, whichever is responsible for approving the plan, may modify the requirements of this Part in reviewing and approving a site plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes of this Part.

#### **9.4.9. Site Plan and Building Design Review**

- (1) Major Site Plan and Building Design Review: For all new buildings to be constructed and for all additions to existing buildings, the size of which is twenty-five percent (25%) or greater of the size of the existing building, and for all renovations, the cost of which is twenty five-percent (25%) or greater of the value of the building prior to renovation, Site Plan and Building Design Review, in accordance with the Major Site Plan Review requirements of Chapter 5, Part 7 and Chapter 14, Part 2, and Building Design Standards contained in Section 9.4.5 above shall apply and the approval shall be secured prior to any building permit being issued.
- (2) Minor Site Plan and Building Design Review: Minor Site Plan review and approval, as specified in Section 5.7.7, is required for all other additions and exterior renovations not requiring Major Site Plan approval as specified above. Building Design Review

and Approval is also required for additions and renovations requiring Minor Site Plan Review and Approval. Building Design Review and Approval shall be rendered in conjunction with, and under the same provisions as, Minor Site Plan Review and Approval.

- (3) Curb and Gutter Required: For all new buildings to be constructed and for all additions to existing buildings, the size of which is twenty-five percent (25%) or greater of the size of the existing building, for all renovations, the cost of which is twenty-five percent (25%) or greater of the value of the building prior to renovation and for any change in use from residential to commercial, all parking and drives shall be bordered by standard curb and gutter as required in the Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications" for subdivision.

#### **9.4.10. Sign Standards**

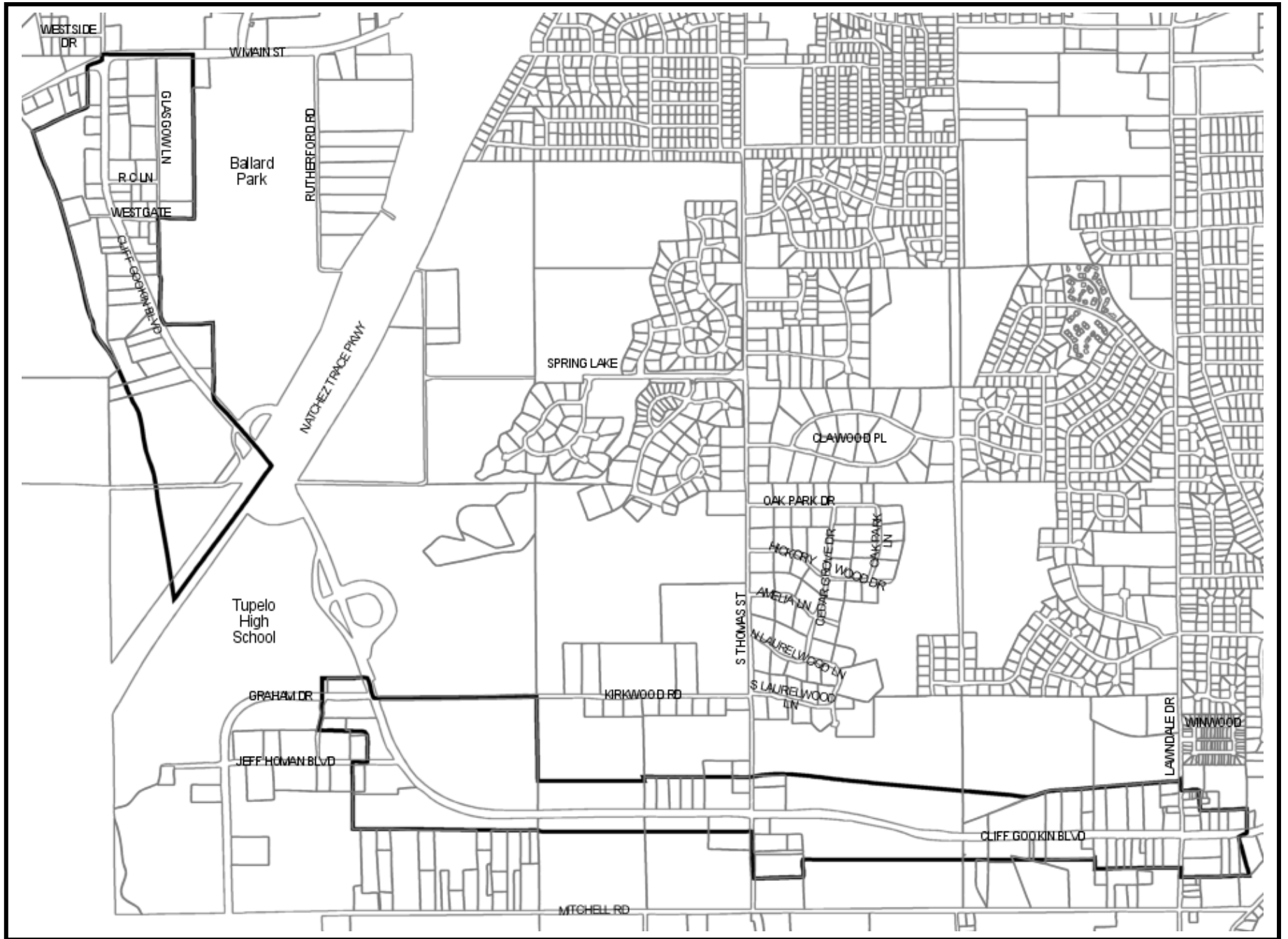
- (1) Ground Sign: Ground signs as specified in Section 12.2.4(1) are permitted provided they are affixed to the ground in a permanent manner and provided there is a minimum of fifty (50) square feet of landscaping around the base of the sign. Ground signs exclusively serving sites of less than three (3) acres shall not exceed seventy-five (75) square feet in size nor exceed the height of adjacent building or twenty-five (25) feet, whichever is less. Setback of all ground signs in the Cliff Gookin Overlay District shall be a minimum of ten (10) feet from the property lines.
- (2) Attached Signs: The total surface area of an attached sign shall not exceed, in square feet, one (1) times the linear feet that is the horizontal length of the wall to which the sign is attached. The surface area shall be measured as specified in Section 12.2.4(2)
  - (a). An additional one (1) square foot of surface shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front yard requirements as specified by this Ordinance. Notwithstanding these provisions, a maximum of two (2) square feet for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area as specified above shall be distributed among each business therein according to the linear feet frontage occupied by each business. Internally lit box

signs are discouraged unless approved in accordance with section (4) below.

- (3) Billboards are prohibited.
- (4) Building Design Standards and Review as specified in Section 9.4.5 and 9.4.6 shall also apply to signs.

#### **9.4.11. Parking Lot/Access Driveways**

- (1) Number of Driveways: The number of driveways connecting to Cliff Gookin Blvd. shall be kept to a minimum. Not more than one (1) driveway shall be allowed per site for each street on which the site has frontage. One-way pairs are considered one (1) driveway. Developers and property owners will be encouraged to design their projects in such a way to promote shared drives.
- (2) Distance from Intersection: Driveways shall be a minimum of fifty (50) feet from any street intersection.
- (3) Separation of Driveways: On sites with greater than two hundred (200) feet of frontage, a second driveway may be allowed. On sites with greater than five hundred (500) feet of frontage, a third driveway may be allowed. On sites with greater than eight hundred (800) feet of frontage, a fourth driveway may be allowed. All such driveways shall be a minimum of two hundred (200) feet apart.



## **PART 5. SOUTH GLOSTER OVERLAY DISTRICT**

### **9.5.1. Purpose and Intent**

- (1) Findings. The provisions of this Part are based on the following findings:
  - (a) The South Gloster Street area includes the City of Tupelo's largest employer, the North Mississippi Medical Center, several car dealerships and restaurants, and a number of other retail and service uses, as well as a residential area.
  - (b) The city has, by necessity, invested large sums of money to provide adequate infrastructure including streets, water, and sewer, and further improvements are anticipated through the Major Thoroughfares Program and the planned connection of State Highway 6 to South Gloster Street.
  - (c) Developers and business owners have likewise invested large sums of money.
  - (d) Some businesses have relocated from the area and other properties are vacant and underutilized.
  - (e) Strip commercial development has negatively impacted other areas of the city, and would, if allowed, conflict with the above described development and adversely affect property values.
- (2) Purpose and Intent. It is the purpose and intent of the South Gloster Overlay District to:
  - (a) Provide a higher level of standards to guide further development in the South Gloster area.
  - (b) To promote, preserve and protect the health, safety and general welfare of property owners within the South Gloster area and those who will shop in the area as well as all citizens and taxpayers of the City of Tupelo.
  - (c) To protect and promote the visual quality of the area.
  - (d) To manage the flow of traffic to and from businesses so as to minimize traffic hazards and congestion.
  - (e) To prevent development which would be out of character with the predominant development which is now occurring in the area and which would adversely affect property values or hurt the potential for continued and prolonged growth and prosperity of the area.

### **9.5.2. Location and Applicability**

- (1) General Applicability. The provisions of this Part, the South Gloster Overlay District, shall apply to all land, whether publicly or privately held, located along South Gloster Street between Harrison Street and the Eason Boulevard/Cliff Gookin Boulevard intersection, and currently zoned C-2, General Commercial, or O, Office, as shown in figure 9.9.2, as well as all land within the above defined area which may be rezoned to C-2, General Commercial, in future. All development within the South Gloster Overlay District shall be in accordance with the terms of this Part.
- (2) Standards Conflict. The provisions contained in this Part are in addition to, and supplemental to, all other provisions contained in the Development Code. In case of conflicts between the standards of the South Gloster Overlay District and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements, the provisions of the South Gloster Overlay District shall prevail.

### **9.5.3. Permitted Uses**

The following uses may be established as permitted uses in the South Gloster Overlay District, in accordance with the procedures established in Chapter 5, Part 2 of this ordinance:

- (1) Bed and Breakfast
- (2) Business Service Establishment
- (3) Car Washes
- (4) Clinics
- (5) Day Care Centers
- (6) Drug Stores
- (7) Financial Establishments
- (8) Hospitals
- (9) Hotels and Motels
- (10) Laboratories, Medical and Dental
- (11) Libraries
- (12) Museums
- (13) Offices, Medical
- (14) Offices, Other than Medical
- (15) Car & Truck Dealerships
- (16) Parking Garages
- (17) Parking Lots on Separate Lots
- (18) Parks
- (19) Personal Care homes
- (20) Personal Service Establishments
- (21) Post Offices

- (22) Prostheses and Medical Supply
- (23) Public Safety Stations
- (24) Radio and TV Broadcasting Studios
- (25) Recreation Centers
- (26) Rehabilitation Centers
- (27) Restaurants without drive through window
- (28) Retail Stores
- (29) Schools
- (30) Signs
- (31) Utility Sub-stations

#### 9.5.4. Minor Conditional Uses

The following uses may be established as Minor Conditional uses in the South Gloster Overlay District, subject to approval by the Director of the Department of Planning and Development in accordance with the procedures established in Chapter 5, Part 4 of this Ordinance:

- (1) Animal Hospitals without outdoor kennel space
- (2) Armories
- (3) Automobile Service Stations, excluding auto air shops.
- (4) Building Materials & Supply Without Outside Storage
- (5) Care Takers' Residences
- (6) Churches
- (7) Convenience Stores
- (8) Convention Centers
- (9) Laboratories, Research
- (10) Life Care Communities
- (11) Plant Nursery and Greenhouses
- (12) Printing Businesses up to 50,000 sq. ft. in size
- (13) Swimming Pools
- (14) Transportation Facilities
- (15) Vehicle rentals

#### 9.5.5. Major Conditional Uses

The following uses may be established as Major Conditional uses in the South Gloster Overlay District, subject to approval by the city in accordance with the procedures established in Chapter 5, Part 4 of this Ordinance:

- (1) Flex Space Developments
- (2) Funeral Homes
- (3) Multi-family Dwellings up to 12 d.u./acre
- (4) Nursing Homes
- (5) Recycling Drop-off Stations
- (6) Restaurant with drive through window

#### 9.5.6. Open Display and Storage Restricted

- (1) Outdoor Display: Outdoor display areas, defined as areas for sale of products normally used or kept outdoors, and

accessible to retail customers in vehicles or as pedestrians, are permitted in the rear and side yards. In addition, outdoor display area may be permitted in front yards provided that:

- (e) the display area has all weather surface such as asphalt, concrete, or grassy or pervious pavers;
  - (f) eight percent (8%) of the display area is landscaped;
  - (g) one (1) shade tree is provided per each thirty-five hundred (3,500) square feet in the display area; and,
  - (h) no products are displayed closer than twenty (20) feet to any public right of way.
  - (i) no fences greater than 24 inches in height are constructed within the required front yard area.
  - (j) no elevated display.
- (2) Outdoor Storage: Outdoor storage areas, defined as areas where products, materials, or equipment are kept but are not accessible except to employees or delivery vehicles, are permitted in the rear or side yards if fully screened by a fence constructed of brick, cedar, cypress, or an approved equivalent opaque material.
- (3) Other Outdoor Sales Permitted. In addition to the restrictions on outdoor display in section 9.9.6 (1), there may be two (2) outdoor sales per lot per year not to exceed 30 days each, with a minimum of 30 days in between. Such outdoor sales shall be at least 40 feet from any public right-of-way.

#### 9.5.7. Building Code Standards

All buildings and structures, whether intended to be temporary or permanent, shall be of a permanent nature conforming to all requirements of the construction codes adopted by the city. The use of trucks, trailers, manufactured homes, portable buildings, tents, awnings, sheds and the like for storage and/or sales is prohibited, except that tents and portable buildings may be used for 2 outdoor sales per year as specified in section 9.9.6. above and provided said tents and portable buildings conform to the requirements of the city's construction codes and are compatible with building in the area. Nothing in this section is to prohibit the storage of products in truck trailers up to 30 days while waiting to be unloaded into the store, provided said trailers are parked in the rear of the building where possible, otherwise, to the side of the building.

### 9.5.8. Building Design Standards

- (1) Plans Submittal. Building design plans submitted for review and approval as specified below shall be sealed by an architect registered in the State of Mississippi.
- (2) Review and Approval. The Planning Committee shall evaluate the design of all structures and renovations requiring Major Site Plan Review and the Planning Director shall evaluate the design of all structures and exterior renovations requiring Minor Site Plan Review in terms of the degree to which they meet the intent of this Part as specified in Section 9.9.1 and the degree to which they contribute to the preservation and enhancement of the character, integrity and attractiveness of the South Gloster area. Said evaluation shall also take into account the degree to which the proposal would maintain a sense of human scale and architectural transition and would be appropriate to the site, taking into account the safety, convenience and amenity of the surrounding areas.
- (3) Specific Standards. The Planning Committee and Planning Director shall review all site and building design plans based on the following standards:
  - (a) New structures, additions and renovations shall be designed to be compatible with existing structures in terms of architectural design exterior building materials, colors and arrangement of buildings and other features.
  - (b) Seventy five percent (75%) to one hundred percent (100%) of all non-glass wall surfaces shall be clad with brick, stone, cementuous stucco, integrally colored unit masonry, split face block or similar designer block, allowing architectural detail features not exceeding twenty five percent (25%) of the wall surface to be constructed of other materials. Building materials with a cost equal to or greater than the materials listed above may be substituted provided the cost is documented.
  - (c) Exterior improvements, such as fences, utilities, outdoor furniture, and displays shall be compatible with the mass, materials, and scale of such improvements elsewhere in the adjacent area.
- (4) Modifications to standards. Where necessary to accommodate individuality and

creativity in site design, or where conformance with the strict requirements of this Part are not feasible on a particular

property, the Planning Committee or Planning Department, whichever is responsible for approving the plan, may modify the requirements of this Part in reviewing and approving a site plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes of this Part.

### 9.5.9. Site Plan and Building Design Review

- (1) Major Site Plan and Building Design Review. For all new buildings to be constructed and for all additions to existing buildings, the size of which is 25% or greater of the size of the existing building, and for all renovations, the cost of which is 25% or greater of the value of the building prior to renovation, Site Plan and Building Design Review, in accordance with the Major Site Plan Review requirements of Chapter 5, Part 7 and Chapter 14, Part 2, and Building Design Standards contained in Section 9.9.8 above shall apply and the approval shall be secured prior to any building permit being issued.
- (2) Minor Site Plan and Building Design Review. Minor Site Plan review and approval, as specified in Section 5.7.7, is required for all other additions and exterior renovations not requiring Major Site Plan approval as specified above. Building Design Review and Approval is also required for additions and renovations requiring Minor Site Plan Review and Approval. Building Design Review and Approval shall be rendered in conjunction with, and under the same provisions as, Minor Site Plan Review and Approval.
- (3) Curb and Gutter Required. For all new buildings to be constructed and for all additions to existing buildings, the size of which is 25% or greater of the size of the existing building, for all renovations, the cost of which is 25% or greater of the value of the building prior to renovation and for any change in use from residential to commercial, as required in the Tupelo Public Works Department "Street and Storm Sewer Construction Standards and Specifications" for subdivision.
- (4) Additional landscaping shall be required on all site plans within the South Gloster Overlay District as specified in Sections 13.2.3. (2) (f) and Sections 13.2.3. (3) (d).

#### **9.5.10. Sign Standards**

- (1) Ground Signs. Ground signs as specified in Section 12.2.4(a) are permitted provided they are affixed to the ground in a permanent manner and provided there is a minimum of 50 sq. ft. of landscaping around the base of the sign. Ground signs exclusively serving sites of less than 3 acres shall not exceed 75 sq. ft. in size nor exceed the height of adjacent building or 25 feet, whichever is less. Setback of all ground signs in the South Gloster Overlay District shall be a minimum of 10 feet from the property lines.
- (2) Attached Signs. The total surface area of an attached sign shall not exceed, in square feet, one times the linear feet that is the horizontal length of the wall to which the sign is attached. The surface area shall be measured as specified in Section 12.2.4(b)(1). An additional one square foot of surface shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front yard requirements as specified by this Ordinance. Notwithstanding these provisions, a maximum of 2 sq. ft. for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area as specified above shall be distributed among each business therein according to the linear feet frontage occupied by each business. Internally lit box signs are discouraged unless approved in accordance with section (4) below.
- (3) Building Design Standards and Review as specified in Section 9.9.5 and 9.9.6 shall also apply to signs.

#### **9.5.11. Parking Lot/Access Driveways**

- (1) Number of Driveways. The number of driveways connecting to Gloster Street shall be kept to a minimum. Not more than one driveway shall be allowed per site, for each street on which the site has frontage. A 1-way pair shall be considered one driveway. On Gloster Street, driveways shall be shared to the extent possible. Specifically, two adjoining businesses shall share a common drive.
- (2) Distance From Intersection. Driveways shall be a minimum of 50 feet from any street intersection.
- (3) Separation of Driveways. On sites with greater than 200 feet of frontage, a second driveway may be allowed. On sites with greater than 500 feet of frontage, a third driveway may be allowed. On sites with greater than 800 feet of frontage, a fourth driveway may be allowed. All such driveways shall be a minimum of 200 feet apart.

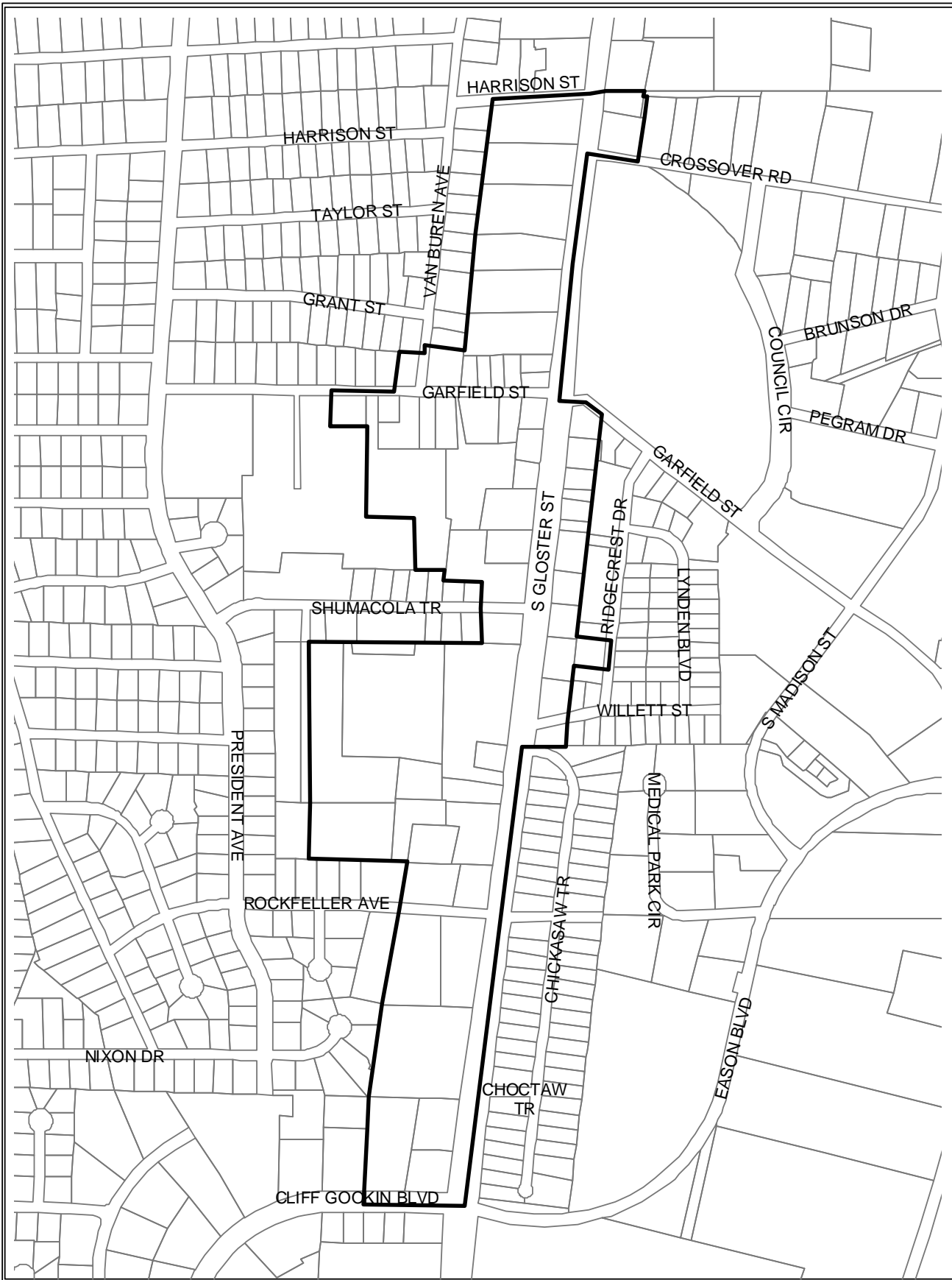


Figure 9.5.2. South Gloster Overlay District

## **PART 6. PROPERTY MAINTENANCE AND COMMUNITY APPEARANCE STANDARDS**

### **9.6.1. Purpose and Intent**

- (1) Findings. The provisions of this part are based on the following findings:
  - (a) The City of Tupelo is committed to retaining the architectural style and character of its older homes and neighborhoods.
  - (b) Conversion of single family houses into rental housing has made a negative impact on the City.
  - (c) The City has invested large sums of money to provide adequate infrastructure including street, curb, gutter and sidewalk repairs.
  - (d) There is a legitimate municipal interest in preserving and promoting the City of Tupelo so that its intrinsic value to the residents and to the community as a whole is maintained.
  - (e) The absence of the regulations in this Part 6 will result in the continued decline and deterioration of existing neighborhoods, the diminution of land values, and the growth in the possibility of blight and crime.
  - (f) Homeowners and landlords are likewise expected to invest money into the maintenance and upkeep of their property.
- (2) Purpose and Intent. It is the purpose and intent of the City of Tupelo to:
  - (a) Provide a higher level of standards to maintain property values in the City of Tupelo.
  - (b) Promote, preserve, and protect the health, safety, and general welfare of property owners and taxpayers of the City of Tupelo.
  - (c) Protect and promote the visual quality of the area.
  - (d) Restore the character and style of the older neighborhoods in the City of Tupelo.
  - (e) Prevent the development of property that would be out of character with the predominant style in the area and which would adversely affect property values or hurt the potential for continued and prolonged prosperity of the area.
  - (f) Provide code inspectors to identify and enforce city codes through completion and to do so proactively.

### **9.6.2. Location and Applicability**

- (1) General Applicability. The provisions of this Part shall apply to all buildings used for residential purposes within the City of Tupelo. All residential structures, and additions thereto, constructed within the City of Tupelo after the date of adoption of this Part, shall be constructed in accordance with the terms of this Part
- (2) Standards Conflict. The provisions contained in this Part are in addition to, and supplemental to all other provisions contained in the Development Code. In case of conflicts between the standards in this Part and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements, the provisions of this Part shall prevail.

### **9.6.3. Land Use**

The provisions of the underlying zoning districts within the City of Tupelo regarding permitted uses, minor conditional uses, and major conditional uses shall apply in accordance with Chapter 8 of the Development Code, with the exception that home businesses, as defined in Section 12.1.3, are allowed only as major conditional uses in all zoning districts. Small day care homes as defined in Chapter 2 of the Development Code are not included in the home business classification and continue to be permitted uses in all districts as shown in Chapter 8.

### **9.6.4. Outdoor Storage of Materials**

- (1) No storage of any kind shall be permitted on a porch, open carport, or yard, except in an enclosed porch, as defined in Chapter 2 of this Ordinance. No refrigerators or similar appliances, or upholstered furniture, or similar items, may be stored or placed on the porch, unless the porch is enclosed.
- (2) No laundry shall be placed on any fence, porch, or clothesline, except in the rear yard.
- (3) All residential properties must be brought into compliance with terms of this part within six (6) months after the adoption of this Part.

### **9.6.5. Minimum Landscape Standards**

- (1) 100% of the front yard must be landscaped with proper materials including but not limited to grass, shrubs, and flowers. A

maximum of 35% of the front yard may be concrete or paved.

- (2) Shrubs must be planted in front of the house in the front yard of the property, as defined by Chapter 2 of this Ordinance. The shrubs may be planted a minimum of three (3) feet apart, on center, along the front side of the building. Shrubs must be kept trimmed and shaped.
- (3) All landscaping must be maintained with regard to the mowing of grass, raking of leaves, and maintenance of landscape beds on the property.
- (4) All landscaping must be maintained so as to ensure its continued growth.
- (5) All residential properties must be brought into compliance with terms of this part within six (6) months after the effective date of this Part.

#### **9.6.6. Parking of Automobiles**

- (1) The parking of automobiles will not be permitted in the front yard of a residence, as defined by Chapter 2 of the Development Code, except where a concrete, paved, stone or gravel driveway is provided.
- (2) All residential properties must be brought into compliance immediately following the adoption of this Part.
- (3) Parking of automobiles will not be permitted on streets less than 24 feet from street edge to street edge in residential areas, except where approved by Traffic Committee.

#### **9.6.7. Removal of Garbage Containers**

- (1) All residential garbage collection containers must be removed from the curbside within 12 hours of collection by the Contractor.
- (2) Residents are responsible for the cleanliness of the area around the garbage container both next to the house and at the curbside.
- (3) All residential properties must be brought into compliance immediately following the effective date of this Part.

#### **9.6.8. Building Design Standards**

- (1) To the greatest extent possible, the architectural and historical value of existing buildings, structures, and other historically significant areas are to be conserved.
- (2) New structures, additions, and renovations shall be designed to be compatible with the existing structures in terms of architectural design and exterior building materials, colors and arrangements of buildings and other features.

- (3) All exterior wall coverings shall be of consistent color, material, and style with neighboring buildings.
- (4) All accessory buildings, as defined in Chapter 2 of the Development Code, must be maintained in sound structural condition. Any dilapidated accessory buildings must be removed within 30 days of the receipt of notice from the City of Tupelo. These structures are to be in rear yard and not visible from the street.

#### **9.6.9. Building Maintenance**

- (1) It shall be unlawful and a violation of this code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit any of the following on any residential property:
  - (a) Any wood surfaces unprotected from the elements by paint or other protective treatment;
  - (b) Exterior painted surfaces with loose, cracked, scaling, chipping, or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance;
  - (c) Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance.
- (2) Property owners are responsible for maintenance of property and behavior of tenants in rental property.

#### **9.6.10. Junk Vehicles**

Junk vehicles are prohibited from being located within the city except within completely enclosed buildings or garages or at vehicle salvage yards, vehicle repair shops and wrecker services complying with the terms of this ordinance. Within a residential zoning district no more than one (1) junk vehicle may be stored behind opaque fencing or landscaping. This required screening shall completely block the view of the vehicle from all surrounding property.

#### **9.6.11. Junk**

It shall be unlawful for the owner or occupant of any property within the City to utilize said property for the storage and accumulation of used, discarded or worn out materials or manufactured products, whether reusable or not, including but not limited to appliances, building materials, building rubbish, trash,

garbage, waste products, metal products, and similar items.

**9.6.12. Open Storage**

Open or outside storage of materials and products shall be prohibited in R-1E, R-1L, R-1M, R-1S, R-2, R-3, R-O, O, and M-1 Districts if within view from the street or if not screened from the view of neighbors by opaque fencing or landscaping.

**9.6.13. Screening of Junkyards**

Within one (1) year from the effective date of the ordinance, all existing junkyards, vehicles salvage yards, vehicle repair shops and wrecker services where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and landscaping complying with Part 2 of the Chapter. All new junkyards, vehicle salvage yards, vehicle repair shops and wrecker services shall be provided with such screening prior to obtaining a certificate of occupancy.

**9.6.14. Restrictions on Parking Commercial and Recreational Vehicles in Residential Districts**

No Commercial vehicle rated greater than three-quarter (¾) ton, bus, trailer exceeding fifteen (15) feet in length, tractor or heavy equipment such as bulldozers and road graders shall be parked or stored in any R-1E, R-1L, R-1M, R-1S, R-2, and R-3 Districts, except in the rear yard of lots forty thousand (40,000) square feet in size or larger. Under no circumstance may any of the vehicles and equipment listed above be stored in any residential district closer than fifty (50) feet to any property line and are prohibited altogether in a subdivision unless used expressly for the purpose of unloading, loading, or construction on that lot. Recreational vehicles, boats and campers have to maintain the same setback as a structure, according to its zoning district, except for a rear setback of five feet, and shall not be used for sleeping quarters while in said residential district for greater than fifteen (15) days per year. Concrete pads for such recreational vehicles, boats, or campers which do not meet these setback requirements may be approved by "minor conditional use" as provided in Section 5.4.1.

**9.6.15. Corner Visibility**

On a corner lot in any zoning district except the Central Business District, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

**9.6.16. Fences**

Fences shall be maintained so that they do not constitute a hazard, blight, or condition of disrepair. Examples of hazard, blight, or condition of disrepair shall include but not be limited to: leaning, missing slats or blocks, graffiti, peeling paint, rotting or deteriorated materials, affecting five percent (5%) or more of the length of the fence.

**9.6.17 Planned Unit Developments**

All regulations for planned unit developments specified in Section 9.2 of this Development Code shall apply to this section, except:

- (1) There will be no minimum size requirements or maximum density restrictions for planned unit developments. Approval of planned unit developments within this district shall be left to the discretion of the Planning Committee.
- (2) All parcels proposed for development as a planned unit development, must be used for the creation of residential dwelling units and/or any related accessory buildings.
- (3) Planned unit developments located within the City of Tupelo are not required to provide any percentage of the parcel(s) for passive or active recreational purposes.
- (4) Buffering and landscape requirements shall be left to the discretion of the Planning Committee.

## **PART 7. NEIGHBORHOOD PROTECTION DISTRICT**

### **9.7.1. Purpose and Intent**

- (1) Findings. The provisions of this part are based on the following findings:
  - (a) The City of Tupelo includes residential areas which are, or which may in the future be, affected by problems such as declining property values, lack of maintenance, physical deterioration, disinvestment, abandonment, changes in ownership patterns, or changes in land use.
  - (b) These changes, if not controlled, have the potential of damaging the city's tax base and economic vitality, and spreading to affect other areas.
  - (c) The city has, over the years, invested large sums of money to provide adequate infrastructure including streets, water and sewer in its existing residential areas.
  - (d) Individual property owners also have substantial investments in existing residential neighborhoods.
  - (e) The deterioration of residential neighborhoods can in many cases be slowed or stopped with effective enforcement of property maintenance codes and zoning ordinances
- (2) Purpose and Intent. It is the purpose and intent of the Neighborhood Protection District to:
  - (a) Provide stronger means of enforcing property maintenance and zoning requirements, and to concentrate the city's code enforcement resources in area of greatest need.
  - (b) Promote, preserve and protect the quality of life and the value of property in residential districts.
  - (c) Protect and promote the visual quality of the districts.
  - (d) Enhance the attractiveness of residential districts as location choices for homebuyers and for financial investments.
  - (e) Prevent development, which would be out of character with the predominant development, which is now occurring in the area and which would adversely affect property values or hurt the potential for continued and prolonged growth and prosperity of the area.

### **9.7.2. Designation of District**

- (1) General Applicability. The provisions of this section shall apply to all areas, which shall be designated as "Neighborhood Protection Districts" in accordance with the following process:
  - (a) The Department of Planning and Community Development shall identify those residential districts in which violations of city ordinances relating to property maintenance, zoning, overlay zoning, lot maintenance, or building condition are concentrated.
  - (b) A public hearing shall be held in each proposed district, with notice published a minimum of 15 days prior to the date of the hearing.
  - (c) After consideration of all comments from residents and property owners, a finding shall be made whether to recommend designation of the area as a "Neighborhood Protection District".
  - (d) A second public hearing shall be held before the City Council, with 15 days prior notice.
  - (e) After the second public hearing, the City Council shall accept or reject the recommendation for designation
- (2) Term. The designation of a "Neighborhood Protection District" shall expire after three years, unless renewed by the same process as the initial designation.

### **9.7.3. Certificate of Occupancy Requirements**

A Certificate of Occupancy shall be required as a condition of providing new utility service to any property within the designated "Neighborhood Protection District", or as a condition of transferring service to a new owner or billing name.

